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PROPOSED GENERAL COUNSEL FOR THE TRUSTEE

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**IN RE:**

**WALNUT HILL PHYSICIANS  
HOSPITAL, LLC**

**DEBTOR**

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**CASE NO. 17-32255-bjh-7  
Chapter 7**

**APPLICATION FOR ORDER AUTHORIZING EMPLOYMENT  
OF GENERAL COUNSEL (CLAIMS) FOR THE CHAPTER 7 TRUSTEE**

**A HEARING MAY NOT BE CONDUCTED HEREON UNLESS A RESPONSE IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AT THE EARLE CABELL FEDERAL BUILDING - U.S. COURTHOUSE, 1100 COMMERCE STREET, ROOM 1254, DALLAS, TEXAS 75242-1496 BEFORE CLOSE OF BUSINESS TWENTY-ONE (21) DAYS FROM THE DATE OF SERVICE HEREOF, WITH POSTAL SERVICE TO BE PROVIDED WITH OTHER MOTIONS FILED BY MUNSCH HARDT THE FIRST WEEK OF MARCH 2020.**

**ANY RESPONSE MUST BE FILED WITH THE CLERK, AND A COPY MUST BE SERVED UPON COUNSEL FOR THE MOVING PARTY PRIOR TO THE DATE AND TIME SET FORTH HEREIN. IF A RESPONSE IS FILED A HEARING WILL BE HELD WITH NOTICE TO (1) THE DEBTOR AND DEBTOR'S ATTORNEY; (2) THE OFFICE OF THE U.S. TRUSTEE; (3) ANY TRUSTEE AND THE TRUSTEE'S ATTORNEY; (4) THE MEMBERS OF ANY OFFICIAL COMMITTEE, OR THE ATTORNEY FOR ANY OFFICIAL COMMITTEE IF AN ATTORNEY HAS BEEN EMPLOYED; OR IF THERE IS NO COMMITTEE, THE TWENTY (20) LARGEST UNSECURED CREDITORS; (5) ANY PARTY REQUESTING NOTICE; (6) ANY PARTY NAMED ON A COURT-APPROVED ALTERNATIVE SERVICE LIST; (7) THE RESPONDING PARTIES; AND (8) ANY OTHER AFFECTED ENTITY.**

**IF NO HEARING ON SUCH NOTICE OR MOTION INITIATING A CONTESTED MATTER IS TIMELY REQUESTED, THE RELIEF REQUESTED SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT OR THE NOTICED ACTION MAY BE TAKEN**

**TO THE HONORABLE BARBARA J. HOUSER, CHIEF U. S. BANKRUPTCY JUDGE**

COMES NOW, Scott M. Seidel, the Chapter 7 Trustee in the referenced case (the “*Trustee*”), and files this Application to Employ General Counsel (the “*Application*”) pursuant to Sections 327(e), 328, and 330 of the United States Bankruptcy Code, 11 U.S.C. §§ 1101, *et. seq.* (the “*Bankruptcy Code*”), and Rule 2014 of the Federal Rules of Procedure (the “*Bankruptcy Rules*”) and in support thereof would respectfully show that:

### **I. JURISDICTION AND VENUE**

1. This Court has jurisdiction over this Application pursuant to 28 U.S.C. §§157 and 1334(b). This matter is a core proceeding and this Application is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409.

2. The statutory basis for the relief requested herein is Section 327 of the Bankruptcy Code.

### **II. BACKGROUND**

3. Walnut Hill Physicians Hospital, LLC filed a voluntary chapter 7 petition on June 6, 2017 (the “Petition Date”), thereby initiating this Bankruptcy Case and creating the Estate. Scott M. Seidel was appointed as the chapter 7 trustee (the “Trustee”) to administer the Estate.

### **III. RELIEF REQUESTED AND BASIS THEREFORE**

4. In connection with his rights, duties and obligations as a Chapter 7 trustee, the Trustee has previously requested the services of the attorneys at Munsch, Hardt, Kopf and Harr (the “Firm”) in this corporate case and the Firm filed an Application to employ as general counsel. In Munch’s Application ( Doc. No. 67), it was contemplated that if and when actual funds were infused into the estate , necessitating claims review and objections for a potential distribution, the Seidel Law Firm would then handle such matters as the Trustee’s firm is tremendously familiar with the claims process and has expertise and experience in such matters.

The Munsch Application was granted by Order of this Court [Doc. No. 138]. It now appears there will be funds for distribution, requiring claims review and an objection process. The Trustee anticipates the need for general counsel to handle such matters. General Counsel would be utilized for matters such as claims and creditor issues, required reporting filing and others. The Trustee wishes to employ the Seidel Law Firm, 6505 West Park Boulevard, Suite 306, Plano, Texas 75093, (the "Applicant") as his general counsel in this case to handle claims work . Seidel Law Firm's work will not be duplicative of any other firm's work in this case. The Trustee has selected Applicant due to the considerable experience of the attorneys at the Seidel Law Firm in handling matters of this character. Applicant's attorneys are admitted to practice before this Court and are well qualified to represent the Trustee in this case.

5. To the best of Trustee's knowledge, except as may be stated in the affidavit attached hereto as an Exhibit, the Seidel Law Firm does not have any connection with the Debtor, its creditors or any other party in interest, their respective attorneys and accountants, the United States Trustee, or any person employed in the office of the United States Trustee, except that the Trustee is owner of the Seidel Law Firm.

6. The Seidel Law Firm represents no interest adverse to either the Trustee or the estate in the matters to which it will be engaged for the Trustee and the employment of said firm would serve the best interests of this estate.

7. The Trustee desires to employ said law firm on an hourly basis for actual and necessary services rendered by said law firm, based upon the time, the nature, the extent, and the value of said services, in accordance with the firm's usual rates for the cost of comparable services other than in a case under Chapter 7, together with reimbursement of the firm's actual and necessary expenses. The normal hourly billing rates of the Seidel Law Firm are: \$450.00 per hour

for attorneys and \$125.00 per hour for support staff. For purposes of full disclosure, Mr. Seidel uses his wife, Susan Seidel, as his legal staff and her hours will appear on any fee application as SHS. Susan Seidel's hourly rate is \$125.00. The hourly rates charged by the firm are subject to periodic adjustments to reflect changing economic conditions and the increasing experience and expertise of its attorneys and personnel in the area of bankruptcy law.

WHEREFORE, PREMISES CONSIDERED, Scott M. Seidel, Chapter 7 Trustee, requests that this Honorable Court approve his employment of the Seidel Law Firm, under the terms specified hereinabove, together with such other and further relief to which he may be justly entitled.

Respectfully submitted,

Seidel Law Firm

/s/ Scott M. Seidel

TX Bar No. 17999450

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PROPOSED GENERAL COUNSEL

FOR THE CHAPTER 7 TRUSTEE

### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing Application for Order Authorizing Employment of General Counsel for the Trustee to the parties who receive electronic service in this case, including the United States Trustee's office, Debtor's counsel, and parties requesting notice on this the 26th day of February, 2020. Service of this Application to those postal recipients who do not receive electronic notice will be provided by the law firm of Munsch Hardt Kopf and Harr along with their Motion to minimize cost to the estate.

/s/ Scott M. Seidel